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Arizona Corporation Commission  
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June 25, 1998

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DOCUMENT CONTROL

Dear Interested Party:

This package includes a copy of the 1<sup>st</sup> Draft of proposed revisions of the Retail Electric Competition Rules (R14-2-1601 et al.). The proposed revisions were developed as a result of four years of effort to prepare for the start of retail electric competition on January 1, 1999. Staff considered suggested changes from a variety of Commission-established working groups and from comments, filings, and testimony presented in Commission proceedings over the past 18 months.

New proposed wording is shown as **bold type** and deleted wording is shown as ~~strikethrough~~. Please provide me with your comments by 4 p.m. on Monday, July 6, 1998. File your comments with one (1) original and ten (10) copies in Docket Control at the Commission in Phoenix. Remember that there are boxes for copies of your comments for other stakeholders in the reception room, across from the Hearing Room.

The preferred form of comment is a clear, concise, and explicit suggestion of wording changes, rather than a long, narrative repetition of your organization's position, which may have been submitted on previous occasions. Some issues, such as the details of aggregation, may require some innovative suggestions in order to satisfy a number of divergent interests.

Staff has attempted to address all major issues in the rule revisions. We realize, however, that our terminology may not be precise and some wording may be ambiguous. Please help us refine the rule wording. To the extent that we can be more succinct and can eliminate unneeded wording, the rules may become more understandable.

Note that, in order to be more consistent with HB 2663, Staff has added some consumer protection wording that addresses labeling and billing information. We hope to provide you with a 2<sup>nd</sup> Draft prior to submitting the rule revisions for Commission consideration.

We will appreciate your thoughtful consideration of the rule revisions and look forward to your constructive comments and suggestions. Thank you.

Sincerely,

Ray T. Williamson  
Acting Director, Utilities Division

RTW:lk

## **R14-2-1601 Definitions**

1. **"Affected Utilities"** means the following public service corporations providing electric service: Tucson Electric Power Company, Arizona Public Service Company, Citizens Utilities Company, Arizona Electric Power Cooperative, Trico Electric Cooperative, Duncan Valley Electric Cooperative, Graham County Electric Cooperative, Mohave Electric Cooperative, Sulphur Springs Valley Electric Cooperative, Navopache Electric Cooperative, Ajo Improvement Company, and Morenci Water and Electric Company.
2. **"Aggregator"** means an entity that combines electric customers into a purchasing group.
- 2.3. **"Bundled Service"** means electric service provided as a package to the consumer including all generation, transmission, distribution, ancillary and other services necessary to deliver and measure useful electric energy and power to consumers.
- 3.4. **"Buy-through"** refers to a purchase of electricity by an Affected Utility at wholesale for a particular retail consumer or aggregate of consumers or at the direction of a particular retail consumer or aggregate of consumers.
5. **"Competition Transition Charge" (CTC)** is a means of recovering Stranded Costs from the customers of competitive services.
6. **"Control Area Operator"** is the operator of an electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the Interconnection.
7. **"Current Transformer" (CT)** is an electrical device used to provide a measurement of energy consumption for metering purposes.
8. **"Delinquent Accounts"** means customer accounts with outstanding payment obligations.
9. **"Distribution Primary Voltage"** is voltage at or above 600 volts (600V) through and including 25 kilovolts (25 kV).
- 4.10. **"Distribution Service"** means the delivery of electricity to a retail consumer through wires, transformers, and other devices that are not classified as transmission services subject to the jurisdiction of the Federal Energy Regulatory Commission; Distribution Service excludes meters and meter reading.
11. **"Electronic Data Interchange" (EDI)** is a computer program of national standards that establishes a specific format for electronically transmitted metering data.
- 5.12 **"Electric Service Provider"** means a company supplying, marketing, or brokering at retail any of the services described in R14-2-1605 of R14-2-1606.

6. ~~"Eligible Demand" means the total consumer kilowatts of demand which an Affected Utility must make available to competitive generation under the terms of this Article or the consumer kilowatts of demand provided competitively in an Affected Utility's distribution territory, whichever is greater.~~
13. **"ESP Service Agreement" means a contract between an ESP and an UDC to deliver power to retail end users.**
14. **"Generation" means the production of electric power or contract rights to wholesale electric power.**
15. **"Installed Adequate Reserve" means the difference between the Electric Service Providers' expected annual peak capability and its expected annual peak demand as expressed as a percentage of the annual peak demand.**
16. **"Load-serving Entity" means an ESP or UDC, excluding a meter service or meter reading provider.**
17. **"Load Profiling" is a process of estimating customers' hourly energy consumption based on measurements of similar customers.**
18. **"Meter Reading Service Provider" (MRSP) means an entity that reads meters, performs validation, editing, and estimation on raw meter data to create validated meter data; translates validated data to an approved format; posts this data to a Server for retrieval by billing agents; manages the Server; exchanges data with market participants; and stores meter data for problem resolution.**
19. **"Meter Reading Service" means all functions related to the collection and storage of consumption data.**
20. **"Metering Service" means all functions related to measuring electricity consumption.**
22. **"OASIS" is Open Access Same-Time Information System, which is an electronic bulletin board where transmission related information is posted for all interested parties to access via the Internet.**
23. **"Operating Reserve" means the generation capability above firm system demand used to provide for regulation, load forecasting error, equipment forced and scheduled outages, and local area protection.**
24. **"Potential Transformer" (PT) is an electrical device used to step down primary voltages to 120 volts for metering purposes.**
25. **"Scheduling Coordinator" means an entity that provides schedules for power transactions over transmission or distribution systems to the party responsible for the operation and control of the transmission grid, such as a Control Area Operator, ISA or ISO.**

26. **"Self-Aggregation" is the action of a retail customer that combines its own-metered loads into a single purchase block.**
- ~~7~~27. **"Standard Offer" means Bundled Service offered to all consumers in a designated area at regulated rates.**
- 8.28. **"Stranded Cost" ~~means~~ includes:**
- a. the verifiable net difference between:
    - ~~a~~ i The value of all the prudent jurisdictional assets and obligations necessary to furnish electricity (such as generating plants, purchased power contracts, fuel contracts, and regulatory assets), acquired or entered into prior to the adoption of this Article, under traditional regulation of Affected Utilities; and
    - ~~b~~ ii The market value of those assets and obligations directly attributable to the introduction of competition under this Article.
  - b. **reasonable costs necessarily incurred by an Affected Utility to effectuate divestiture of its generation assets; and**
  - c. **reasonable employee severance and retraining costs necessitated by electric competition, where not otherwise provided.**
- 9.29. **"System Benefits" means Commission-approved utility low income, demand side management, environmental, renewables, and nuclear power plant decommissioning programs.**
30. **"Transmission Primary Voltage" is voltage above 25 kV.**
- ~~10~~31. **"Unbundled Service" means electric service elements provided and priced separately, including, but not limited to, such service elements as generation, transmission, distribution, and ancillary services. Unbundled Service may be sold to consumers or to other Electric Service Providers.**
32. **"Utility Distribution Company" (UDC) means the regulated electric utility entity that constructs and maintains the distribution wires for the delivery of power from the generation market to the end user.**
33. **"Utility Industry Group" (UIG) refers to a utility industry association that establishes national standards for data formats.**
34. **"Universal Node Identifier" is a unique, permanent, identification number assigned to each service delivery point.**

**R14-2-1602. Filing of Tariff by Affected Utilities.**

- A. Each Affected Utility shall file tariffs consistent with this Article by December 31, 1997.

**R14-2-1603. Certificates of Convenience and Necessity.**

- A. Any Electric Service Provider intending to supply services described in R14-2-1605 or R-14-2-1606, other than services subject to federal jurisdiction, shall obtain a Certificate of Convenience and Necessity from the Commission pursuant to this Article, however; a Certificate is not required to offer information services or billing and collection services, **or self aggregation.** ~~An Affected Utility does not need to apply for a Certificate of Convenience and Necessity for any service provided as of the date of adoption of this Article within its distribution service territory.~~
- B. Any company desiring such a Certificate of Convenience and Necessity shall file with the Docket Control Center the required number of copies of an application. Such Certificates shall be restricted to geographical areas served by the Affected Utilities as of the date this Article is adopted and to service areas added under the provisions of R14-2-1611 (B). In support of the request for a Certificate of Convenience and Necessity, the following information must be provided:
1. A description of the electric services which the applicant intends to offer;
  2. The proper name and correct address of the applicant, and
    - a. The full name of the owner if a sole proprietorship,
    - b. The full name of each partner if a partnership,
    - c. A full list of officers and directors if a corporation, or
    - d. A full list of the members if a limited liability corporation;
  3. A tariff for each service to be provided that states the maximum rate and terms and conditions that will apply to the provision of the service;
  4. A description of the applicant's technical ability to obtain and deliver electricity and provide any other proposed services;
  5. Documentation of the financial capability of the applicant to provide the proposed services, including the most recent income statement and balance sheet, the most recent projected income statement, and other pertinent financial information. Audited information shall be provided if available;
  6. A description of the form of ownership (e.g., partnership, corporation);
  7. Such other information as the Commission or the Staff may request.
- C. **The Applicant shall report in a timely manner during the application process any change(s) in the information initially reported to the Commission in the application for a Certificate of Convenience and Necessity.**
- ~~C.D.~~ **At the time of filing for a Certificate of Convenience and Necessity, each applicant shall notify the Affected Utilities in whose service territories it wishes to offer service of the application by serving a complete copy of the application on the Affected Utilities. Each applicant shall provide written notice to the Commission that it has provided notification to each of the respective Affected Utilities at the time of application.**

**E. The Commission after reviewing the application, may provide approval of the Certificate of Convenience and Necessity for up to 12 months if the applicant has limited or no experience in providing the retail electric service that is being requested. An applicant receiving such interim approval shall have the responsibility to apply for appropriate extensions.**

**~~D.F.~~ The Commission may deny certification to any applicant who:**

1. Does not provide the information required by this Article;
2. Does not possess adequate technical or financial capabilities to provide the proposed services;
3. **Does not have service acquisition agreements with a utility distribution company and scheduling coordinator, if the applicant is not its own scheduling coordinator.**
- 3.4. Fails to provide a performance bond, if required.
5. **Fails to demonstrate that its certification will serve in the public interest.**

**~~E. G.~~ Every Electric Service Provider obtaining a Certificate of Convenience and Necessity under this Article shall obtain certification subject to the following conditions:**

1. The Electric Service Provider shall comply with all Commission rules, orders, and other requirements relevant to the provision of electric service and relevant to resource planning;
2. The Electric Service Provider shall maintain accounts and records as required by the Commission;
3. The Electric Service Provider shall file with the Director of the Utilities Division all financial and other reports that the Commission may require and in a form and at such times as the Commission may designate;
4. The Electric Service Provider shall maintain on file with the Commission all current tariffs and any service standards that the Commission shall require;
5. The Electric Service Provider shall cooperate with any Commission investigation of customer complaints;
6. The Electric Service Provider shall obtain all necessary permits and licenses;
8. Failure to comply with any of the above conditions may result in rescission of the Electric Service Provider's Certificate of Convenience and Necessity.

**~~F.H.~~ In appropriate circumstances, the Commission may require, as a precondition to certification, the procurement of a performance bond sufficient to cover any advances or deposits the applicant may collect from its customers, or order that such advances or deposits be held in escrow or trust.**

#### **R14-2-1604. Competitive Phases.**

- A.** ~~Each Affected Utility shall make available at least 20% of its 1995 system retail peak demand for competitive generation supply to all customer classes (including residential and small commercial consumers) not later than January 1, 1999. If data permit, coincident annual peak demand shall be used; otherwise noncoincident peak data may be used.~~
- ~~1. No more than 1/2 of the Eligible Demand may be procured by consumers, each of whose total competitive contract demand is greater than 3 MW.~~
  - ~~2. At least 15% of the Eligible Demand shall be reserved for residential consumers.~~
  - ~~3. Aggregation of loads of multiple consumers shall be permitted.~~
- A.** All Affected Utility customers with peak demand load of 1MW or greater will be eligible for competitive electric services no later than January 1, 1999.
- ~~**B.** Each Affected Utility shall make available at least 50% of its 1995 system retail peak demand for competitive generation supply to all customer classes (including residential and small commercial consumers) not later than January 1, 2001. If data permit, coincident peak annual demand shall be used; otherwise noncoincident peak data may be used.~~
- ~~1. No more than 1/2 of the Eligible Demand may be procured by consumers, each of whose total competitive contract demand is greater than 3 MW.~~
  - ~~2. At least 30% of the Eligible Demand shall be reserved for residential consumers.~~
  - ~~3. Aggregation of loads of multiple consumers shall be permitted.~~
- B.** Groups of Affected Utility customers with individual peak load demands of 40 kW or greater aggregated into a combined load of 1 MW or greater will be eligible for competitive electric services no later than January 1, 1999. If peak load data are not available, the 40 kW criterion can be determined to be met if the customer's usage exceeded 16,500 kWh in any month within the last twelve consecutive months. From January 1, 1999, through December 31, 2000, aggregation of new competitive customers will be allowed until such time as 20% of the Affected Utility's 1995 system peak demand is served by competitors. At that point all additional aggregated customers must wait until January 1, 2001, to obtain competitive service.
- ~~**C.** Prior to 2001, no single consumer shall receive more than 20% of the Eligible Demand in a given year in an Affected Utility's service territory.~~
- C.** Each Affected Utility shall offer a residential phase-in program with the following components:
1. A minimum of 1/2 of 1% of residential customers will have access to competitive electric services on January 1, 1999. The number of customers eligible in the residential phase-in program shall increase by an additional 1/2 of 1% every quarter until January 1, 2001.

2. Access to the residential phase-in program will be on a first-come, first-served basis. The Affected Utility shall create and maintain a waiting list to manage the residential phase-in program.
  3. Load profiling may be used; however, residential customers participating in the residential phase-in program may choose other metering options offered by their electric service provider consistent with the Commission's rules on metering.
  4. Each Affected Utility shall file a Residential Phase-In Program Proposal to the Commission for approval by Director, Utilities Division by September 15, 1998. As a minimum, the Residential Phase-In Program Proposal will include specifics concerning the Affected Utility's proposed:
    - a. Process for customer notification of Residential Phase-In Program;
    - b. Selection and tracking mechanism for customers based on first-come, first-served method;
    - c. Customer notification process and other information services to be offered; and,
    - d. Load profiling methodology and actual load profiles, if available.
  5. Each Affected Utility shall file quarterly Residential Phase-In Program reports within 45 days of the end of each quarter. As a minimum, these quarterly reports shall include:
    - a. The number of customers and the load currently enrolled in Residential Phase-In Program by energy service provider;
    - b. The number of customers currently on the waiting list;
    - c. A description of all customer education programs and other information services including a discussion of the effectiveness of the programs; and,
    - d. An overview of comments and survey results from participating residential customers.
- D. Each Affected Utility shall file a report detailing possible mechanisms to provide benefits, such as rate reductions of 3% - 5%, to all customers determined not to be eligible for competitive electric services directly or through aggregation in a manner consistent with R14-2-1604 (B).
- ~~D. Each Affected Utility shall make available all of its retail demand for competitive generation supply not later than January 1, 2003.~~
- E. All customers shall be entitled to obtain competitive electric services no later than January 1, 2001.
- ~~E. By the date indicated in R14-2-1602, Affected Utilities shall propose for Commission review and approval how customers will be selected for participation in the competitive market prior to 2003.~~
- ~~1. Possible selection methods are first come, first served; random selection via a lottery among volunteering consumers; or designation of geographic areas.~~



~~2. The method for selecting customers to participate in the competitive market must fairly allow participation by a wide variety of customers of all sizes of loads.~~

F. ~~3.~~ All customers who produce or purchase at least 10% of their annual electricity consumption from photovoltaic or solar thermal resources installed in Arizona after January 1, 1997 shall be selected for participation in the competitive market if those customers apply for participation in the competitive market. Such participants count toward the minimum requirements in R14-2-1604 (A) and R14-2-1604 (B).

~~4. The Commission Staff shall commence a series of workshops on selection issues within 45 days of the adoption of this Article and Staff shall submit a report to the Commission discussing the activities and recommendations of participants in the workshops. The report shall be due not later than 90 days prior to the date indicated in R14-2-1602.~~

~~F.G.~~ Retail consumers served under existing contracts are eligible to participate in the competitive market prior to expiration of the existing contract only if the Affected Utility and the consumer agree that the retail consumer may participate in the competitive market.

~~G.H.~~ An Affected Utility may engage in buy-throughs with individual or aggregated consumers. Any contract for a buy-through effective prior to the date indicated in R14-2-1604(A) must be approved by the Commission.

~~H.I.~~ Schedule Modifications for Cooperatives

1. An electric cooperative may request that the Commission modify the schedule described in R14-2-1604(A) through R14-2-1604(~~D~~) (~~E~~) so as to preserve the tax exempt status of the cooperative or to allow time to modify contractual arrangements pertaining to delivery of power supplies and associated loans.
2. As part of the request, the cooperative shall propose methods to enhance consumer choice among generation resources.
3. The Commission shall consider whether the benefits of modifying the schedule exceed the costs of modifying the schedule.

#### **R14-2-1605. Competitive Services.**

A properly certificated Electric Service Provider may offer any of the following services under bilateral or multilateral contracts with retail consumers:

- A. Generation of electricity from generators at any location whether owned by the Electric Service Provider or purchased from another generator or wholesaler of electric generation.
- B. Any service described in R14-2-1606, except Distribution Service and except services required by the Federal Energy Regulatory Commission to be monopoly services. Billing and collection services, information services, and self-aggregation services do not require a Certificate of Convenience and Necessity.

**R14-2-1606. Services Required To Be Made Available by Affected Utilities.**

A. Until the Commission determines that competition has been substantially implemented for a particular class of consumers (residential, commercial, industrial) so that all consumers in that class have an opportunity to participate in the competitive market, ~~and until all Stranded Costs pertaining to that class of customers have been recovered~~, each Affected Utility shall make available to all consumers in that class in its service area, as defined on the date indicated in R14-2-1602, Standard Offer bundled generation, transmission, ancillary, distribution, and other necessary services at regulated rates.

1. An Affected Utility may request that the Commission determine that competition has been substantially implemented to allow discontinuation of Standard Offer service and shall provide sufficient documentation to support its request.
2. The Commission may, on its own motion, investigate whether competition has been substantially implemented and whether Standard Offer service may be discontinued.

B. **After January 1, 2001 Standard Offer service shall be provided by utility distribution companies.**

**B.C. Standard Offer Tariffs**

1. By the date indicated in R14-2-1602, each Affected Utility may file proposed tariffs to provide Standard Offer Bundled Service and such rates shall not become effective until approved by the Commission. If no such tariffs are filed, rates and services in existence as of the date in R14-2-1602 shall constitute the Standard Offer.
2. Affected Utilities may file proposed revisions to such rates. It is the expectation of the Commission that the rates for Standard Offer service will not increase, relative to existing rates, as a result of allowing competition. Any rate increase proposed by an Affected Utility for Standard Offer service must be fully justified through a rate case proceeding.
3. Such rates shall reflect the costs of providing the service.
4. Consumers receiving Standard Offer service are eligible for potential future rate reductions authorized by the Commission, such as reductions authorized in Decision No. 59601.

C. By the date indicated in R14-2-1602, each Affected Utility shall file Unbundled Service tariffs to provide the services listed below to all eligible purchasers on a nondiscriminatory basis:

1. Distribution Service;
2. Metering and meter reading services;
3. Billing and collection services;
4. Open access transmission service (as approved by the Federal Energy Regulatory Commission, if applicable);

- 5. Ancillary services in accordance with Federal Energy Regulatory Commission Order 888 (III FERC Stats. & Regs. 31,036, 1996) incorporated herein by reference;
- 7. Information services such as provision of customer information to other Electric Service Providers;
- 8. Other ancillary services necessary for safe and reliable system operation.

**D.E.** To manage its risks, an Affected Utility may include in its tariffs deposit requirements and advance payment requirements for Unbundled Services.

**F.** **After January 1, 2001, power purchased by a Utility Distribution Company to serve standard offer customers shall be acquired through competitive bid. Any resulting long-term contract shall contain provisions allowing the UDC to ratchet down its power purchases. If the cost of such a ratchet provision is unreasonable, the affected UDC may file for an exemption from this rule.**

**F.G.** Customer Data

- 1. Upon authorization by the customer, an Electric Service Provider shall release in a timely and useful manner that customer's demand and energy data for the most recent 12 month period to a customer-specified Electric Service Provider.
- 2. The Electric Service Provider requesting such customer data shall provide an accurate account number for the customer.
- 3. The form of data shall be mutually agreed upon by the parties and such data shall not be unreasonably withheld.

**G.H.** Rates for Unbundled Services

- 1. The Commission shall review and approve rates for services listed in R14-2-1606(C) and requirements listed in R14-2-1606(D), where it has jurisdiction, before such services can be offered.
- 2. Such rates shall reflect the costs of providing the services.
- 3. Such rates may be downwardly flexible if approved by the Commission.

**H.I.** Electric Service Providers offering services under this R14-2-1606 shall provide adequate supporting documentation for their proposed rates. Where rates are approved by another jurisdiction, such as the Federal Energy Regulatory Commission, those rates shall be provided to this Commission.

**I.J.** Within 90 days of the adoption of this Article, the Commission Staff shall commence a series of workshops to explore issues in the provision of Unbundled Service and Standard Offer service.

1. Parties to be invited to participate in the workshops shall include utilities, consumers, organizations promoting energy efficiency, and other Electric Service Providers.
2. Among the issues to be reviewed in the workshops are: metering requirements; metering protocols; designation of appropriate test years; the nature of adjustments to test year data; de-averaging of rates; service characteristics such as voltage levels; revenue uncertainty; line extension policies; and the need for performance bonds.
3. A report shall be submitted to the Commission by the Staff on the activities and recommendations of the participants in the workshops not later than 60 days prior to the date indicated in R14-2-1602. The Commission shall consider any recommendations regarding Unbundled Service and Standard Offer service tariffs.

**R14-2-1607. Recovery of Stranded Cost of Affected Utilities.**

- A. The Affected Utilities shall take every ~~feasible~~ **reasonable**, cost-effective measure to mitigate or offset Stranded Cost by means such as expanding wholesale or retail markets, or offering a wider scope of services for profit, among others.
- B. The Commission shall allow a **reasonable opportunity** for recovery of unmitigated Stranded Cost by Affected Utilities.
- ~~C. A working group to develop recommendations for the analysis and recovery of Stranded Cost shall be established.~~
  - ~~1. The working group shall commence activities within 15 days of the date of adoption of this Article.~~
  - ~~2. Members of the working group shall include representatives of Staff, the Residential Utility Consumer Office, consumers, utilities, and other Electric Service Providers. In addition, the Executive and Legislative Branches shall be invited to send representatives to be members of the working group.~~
  - ~~3. The working group shall be coordinated by the Director of the Utilities Division of the Commission or by his or her designee.~~
- ~~D. In developing its recommendations, the working group shall consider at least the following factors:~~
  - ~~1. The impact of Stranded Cost recovery on the effectiveness of competition;~~
  - ~~2. The impact of Stranded Cost recovery on customers of the Affected Utility who do not participate in the competitive market;~~
  - ~~3. The impact, if any, on the Affected Utility's ability to meet debt obligations;~~
  - ~~4. The impact of Stranded Cost recovery on prices paid by consumers who participate in the competitive market;~~
  - ~~5. The degree to which the Affected Utility has mitigated or offset Stranded Cost;~~
  - ~~6. The degree to which some assets have values in excess of their book values;~~
  - ~~7. Appropriate treatment of negative Stranded Cost;~~
  - ~~8. The time period over which such Stranded Cost charges may be recovered. The Commission shall limit the application of such charges to a specified time period;~~

- ~~9. The ease of determining the amount of Stranded Cost;~~  
~~10. The applicability of Stranded Cost to interruptible customers;~~  
~~11. The amount of electricity generated by renewable generating resources owned by the Affected Utility.~~

~~E. The working group shall submit to the Commission a report on the activities and recommendations of the working group no later than 90 days prior to the date indicated in R14 2-1602.~~

~~F. The Commission shall consider the recommendations and decide what actions, if any, to take based on the recommendations.~~

G.C. The Affected Utilities shall file estimates of unmitigated Stranded Cost. Such estimates shall be fully supported by analyses and by records of market transactions undertaken by willing buyers and willing sellers.

H.D An Affected Utility shall request Commission approval, **on or before August 24, 1998**, of distribution charges or other means of recovering unmitigated Stranded Cost from customers who reduce or terminate service from the Affected Utility as a direct result of competition governed by this Article, or who obtain lower rates from the Affected Utility as a direct result of the competition governed by this Article.

I.E. The Commission shall, after hearing and consideration of analyses and recommendations presented by the Affected Utilities, Staff, and intervenors, determine for each Affected Utility the magnitude of Stranded Cost, and appropriate Stranded Cost recovery mechanisms and charges. In making its determination of mechanisms and charges, the Commission shall consider at least the following factors:

1. The impact of Stranded Cost recovery on the effectiveness of competition;
2. The impact of Stranded Cost recovery on customers of the Affected Utility who do not participate in the competitive market;
3. The impact, if any, on the Affected Utility's ability to meet debt obligations;
4. The impact of Stranded Cost recovery on prices paid by consumers who participate in the competitive market;
5. The degree to which the Affected Utility has mitigated or offset Stranded Cost;
6. The degree to which some assets have values in excess of their book values;
7. Appropriate treatment of negative Stranded Cost;
8. The-time period over which such Stranded Cost charges may be recovered. The Commission shall limit the application of such charges to a specified time period;

9. The ease of determining the amount of Stranded Cost;
10. The applicability of Stranded Cost to interruptible customers;
11. The amount of electricity generated by renewable generating resources owned by the Affected Utility.

**J.F.** **A Competitive Transition Charge may be assessed only** ~~Stranded Cost may only be recovered~~ from customer purchases made in the competitive market using the provisions of this Article. Any reduction in electricity purchases from an Affected Utility resulting from self-generation, demand side management, or other demand reduction attributable to any cause other than the retail access provisions of this Article shall not be used to calculate or recover any Stranded Cost from a consumer.

**K.G.** The Commission may order an Affected Utility to file estimates of Stranded Cost and mechanisms to recover or, if negative, to refund Stranded Cost.

**L.H.** The Commission may order regular revisions to estimates of the magnitude of Stranded Cost.

#### **R14-2-1608. System Benefits Charges.**

- A. By the date indicated in R14-2-1602, each Affected Utility shall file for Commission review non-bypassable rates or related mechanisms to recover the applicable pro-rata costs of System Benefits from all consumers located in the Affected Utility's service area who participate in the competitive market. ~~In addition, the Affected Utility may file for a change in the System Benefits charge at any time.~~ **Affected Utilities shall file for review of the Systems Benefits Charge at least every three years.** The amount collected annually through the System Benefits charge shall be sufficient to fund the Affected Utilities' ~~present~~ Commission- approved low income, demand side management, environmental, renewables, and nuclear power plant decommissioning programs **in effect from time to time.**
- B. Each Affected Utility shall provide adequate supporting documentation for its proposed rates for System Benefits.
- C. An Affected Utility shall recover the costs of System Benefits only upon hearing and approval by the Commission of the recovery charge and mechanism. The Commission may combine its review of System Benefits charges with its review of filings pursuant to R14-2-1606.
- D. Methods of calculating System Benefits charges shall be included in the workshops described in R14-2-1606 (I).

#### **R14-2-1609. Solar Portfolio Standard.**

- A. Starting on January 1, 1999, any Electric Service Provider selling electricity under the provisions of this Article must derive at least 1/2 of 1% of the total retail energy sold competitively from new solar resources, whether that solar energy is purchased or generated by the seller. Solar

resources include photovoltaic resources and solar thermal resources that generate electricity. New solar resources are those installed on or after January 1, 1997.

B. Solar portfolio standard after December 31, 2001:

1. Starting on January 1, 2002, any Electric Service Provider selling electricity under the provisions of this Article must derive at least 1% of the total retail energy sold competitively from new solar resources, whether that solar energy is purchased or generated by the seller. Solar resources include photovoltaic resources and solar thermal resources that generate electricity. New solar resources are those installed on or after January 1, 1997.
2. **The Solar Portfolio Standard requirement shall be in effect for 10 years, from January 1, 1999 through December 31, 2008.** The Commission may ~~change~~ **increase** the solar portfolio percentage applicable after December 31, 2001— 2005, taking into account, among other factors, the costs of producing solar electricity and the costs of fossil fuel for conventional power plants. **Prior to any future possible increase in the solar portfolio standard percentage, the Commission shall establish a kWh cost impact cap to ensure that costs must decline in order for solar installation rates to increase.**

C. ~~Any Electric Service Provider certificated under the provisions of this Article shall be able to credit 2 times the electric energy it generated, or caused to be generated under contract, before January 1, 1999 using photovoltaics or solar thermal resources installed on or after January 1, 1997 in Arizona to the electric energy requirements of R14-2-1609(A) or R14-2-1609(B).~~ **Electric Service Providers shall be eligible for a number of extra credit multipliers that may be used to meet the Solar Portfolio Standard requirements:**

1. **Early Installation Extra Credit Multiplier:** For new solar electric systems installed and operating prior to December 31, 2003, electric service providers would qualify for multiple extra credits for kWh produced for five years following operational start-up of the solar electric system. The five-year extra credit would vary depending upon the year in which the system started up, as follows:

<u>YEAR</u>	<u>EXTRA CREDIT MULTIPLIER</u>
1997	.5
1998	.5
1999	.5
2000	.4
2001	.3
2002	.2
2003	.1

**The Early Installation Extra Credit Multiplier would end in 2003.**

2. **Solar Economic Development Extra Credit Multipliers:** There are two equal parts to this multiplier, an in-state installation credit and an in-state content multiplier.

- a. **In-State Power Plant Installation Extra Credit Multiplier:** Solar electric power plants installed in Arizona shall receive a .5 extra credit multiplier.
  - b. **In-State Manufacturing and Installation Content Extra Credit Multiplier:** Solar electric power plants shall receive up to a .5 extra credit multiplier related to the manufacturing and installation content that comes from Arizona. The percentage of Arizona content of the total installed plant cost shall be multiplied by .5 to determine the appropriate extra credit multiplier. So, for instance, if a solar installation included 80% Arizona content, the resulting extra credit multiplier would be .4 (which is  $.8 \times .5$ ).
- 3. **Distributed Solar Electric Generator and Solar Incentive Program Extra Credit Multiplier:** Solar electric generators that meet any of the following conditions shall receive a .5 extra credit multiplier:
  - a. Solar electric generators installed at or on the customer premises in Arizona. Eligible customer premises locations will include both grid-connected and remote, non-grid-connected locations. In order for Electric Service Providers to claim an extra credit multiplier, the Electric Service Provider must have contributed at least 10% of the total installed cost or have financed at least 80% of the total installed cost.
  - b. Solar electric generators located in Arizona that are included in any Electric Service Provider's green pricing program.
  - c. Solar electric generators located in Arizona that are included in any Electric Service Provider's net metering or net billing program.
  - d. Solar electric generators located in Arizona that are included in any Electric Service Provider's solar leasing program.
- 4. Any solar electric generator that meets more than one of the eligibility conditions will be limited to only one .5 extra credit multiplier from this subsection. Appropriate meters will be attached to each solar electric generator and read at least once annually to verify solar performance.
- 5. All green pricing, net metering, net billing, and solar leasing programs must have been reviewed and approved by the Commission Staff in order for the Electric Service Provider to accrue extra credit multipliers from this subsection.
- 6. All multipliers are additive, allowing a maximum combined extra credit multiplier of 2.0 in years 1997-2003, for equipment installed and manufactured in Arizona and either installed at customer premises or participating in approved solar incentive programs. So, if an ESP qualifies for a 2.0 extra credit multiplier and it produces 1 solar kWh, the ESP would get credit for 3 solar kWh (1 produced plus 2 extra credit).



- D. Electric Service Providers selling electricity under the provisions of this Article shall provide reports on sales and solar power as required in this Article, clearly demonstrating the output of solar resources, the installation date of solar resources, and the transmission of energy from those solar resources to Arizona consumers. The Commission may conduct necessary monitoring to ensure the accuracy of these data.
- E. If an Electric Service Provider selling electricity under the provisions of this Article fails to meet the requirement in R14-2-1609(A) or R14-2-1609(B) in any year, the Commission ~~may~~ **shall** impose a penalty requirement on that Electric Service Provider **that the Electric Service Provider establish a Solar Electric Fund equal up to 30 cents per kWh for deficiencies in the provision of solar electricity energy. This Solar Electric Fund will be utilized to purchase solar electric generators or solar electricity in the following calendar year for the use by public entities in Arizona such as schools, cities, counties, or state agencies.** Title to any equipment purchased by the Solar Electric Fund will be transferred to the public entity. In addition, if the provision of solar energy is consistently deficient, the Commission may void an Electric Service Provider's contracts negotiated under this Article.
- F. Photovoltaic or solar thermal **electric** resources that are located on the consumer's premises shall count toward the solar portfolio standard applicable to the current Electric Service Provider serving that consumer.
- G. The solar portfolio standard described in this section is in addition to renewable resource goals for Affected Utilities established in Decision No. 58643.
- H. **Any Electric Service Provider or independent solar electric generator that produces or purchases any solar kWh in excess of its annual portfolio requirements may save or bank those excess solar kWh for use or sale in future years. Any eligible solar kWh produced subject to this rule may be sold or traded to any Electric Service Provider that is subject to this Rule. Appropriate documentation, subject to Commission review, shall be given to the purchasing entity and shall be referenced in the reports of the Electric Service Provider that is using the purchased kWh to meet its portfolio requirements**
- I. Solar Portfolio Standard requirements shall be calculated on an annual basis, based upon competitive electricity sold during the calendar year.
- J. An Electric Service Provider shall be entitled to receive a partial credit against the Solar Portfolio requirement if the ESP owns or makes a significant investment in any solar electric manufacturing plant that is located in Arizona. The credit will be equal to the amount of the nameplate capacity of the solar electric generators produced in Arizona in a calendar year times 2,190 hours (approximating a 25% capacity factor). The credit against the portfolio requirement shall be limited to the following percentages of the total portfolio requirement:

1999

Maximum of 50 % of the portfolio requirement

2000	Maximum of 50 % of the portfolio requirement
2001	Maximum of 25 % of the portfolio requirement
2002	Maximum of 25 % of the portfolio requirement
2003 and on	Maximum of 20 % of the portfolio requirement

No extra credit multipliers will be allowed for this credit. In order to avoid double-counting of the same equipment, solar electric generators that are sold to other Electric Service Providers to meet their Arizona solar portfolio requirements will not be allowable for credits under this section for the manufacturer/ESP to meet its portfolio requirements.

- K. Any solar electric generators used for the production of solar electricity to meet this portfolio requirement must have been certified to have met the appropriate industry safety, durability, reliability, and performance standards. The Commission Staff develop additional standards, as needed.

**R14-2-1610. ~~Spot Markets and Independent System Operation~~ Transmission and Distribution Access.**

- ~~A. The Commission shall conduct an inquiry into spot market development and independent system operation for the transmission system.~~
- A. The Affected Utilities shall provide non-discriminatory open access to transmission and distribution facilities to serve all customers. No preference or priority shall be given to any distribution customer based on whether the customer is purchasing power under the Affected Utility's standard offer or in the competitive market. Rights to use the transmission transfer capability shall be allocated and assigned to the retail customer load on a pro rata basis.
- ~~B. The Commission may support development of a spot market or independent system operator(s) for the transmission system.~~
- B. The Commission supports the development of an Independent System Operator (ISO) or, absent an ISO, an Independent Scheduling Administrator.
- ~~C. The Commission may work with other entities to help establish spot markets and independent system operators.~~
- C. The Commission believes that an Independent Scheduling Administrator (ISA) is necessary in order to provide non-discriminatory retail access and to facilitate a robust and efficient electricity market. Therefore, the Affected Utilities shall file with FERC for approval of an ISA having the following characteristics:
1. The ISA shall calculate the Available Transmission Capacity for Arizona transmission facilities that belong to the Affected Utilities or other ISA participants, and shall develop and operate an overarching statewide OASIS.
  2. The ISA shall implement and oversee the non-discriminatory application of protocols to ensure statewide consistency for transmission access. These protocols

shall include, but are not limited to, protocols for determining transmission system transfer capabilities, committed uses of the transmission system, and available transfer capabilities.

3. The ISA shall provide dispute resolution processes that enable market participants to expeditiously resolve claims of discriminatory treatment in the reservation, scheduling, use and curtailment of transmission services.
  4. All requests (wholesale, Standard Offer retail, and competitive retail) for reservation and scheduling of the use of Arizona transmission facilities that belong to the Affected Utilities or other ISA participants shall be made to, or through, the ISA using a single, standardized procedure.
- D. The Affected Utilities shall file a proposed ISA implementation plan with the Commission by September 1, 1998. The implementation plan shall address ISA governance, incorporation, financing and staffing; the acquisition of physical facilities and staff by the ISA; the schedule for the phased development of ISA functionality; contingency plans to ensure that critical functionality is in place by January 1, 1999; and any other significant issues related to the timely and successful implementation of the ISA.
- E. Each of the Affected Utilities shall make good faith efforts to develop a regional, multi-state Independent System Operator (ISO), to which the ISA should transfer its functions as the ISO becomes able to carry out those functions.
- F. It is the intent of the Commission that the prudently-incurred costs of the Affected Utilities in the establishment and operation of the ISA, and subsequently the ISO, should be recovered from customers using the transmission system, including the Affected Utilities' wholesale customers, Standard Offer retail customers, and competitive retail customers, through FERC-regulated prices which shall be set on a non-discriminatory basis. Proposed rates for the recovery of such costs shall be filed with the FERC and the Commission.
- G. The Commission supports the use of "Scheduling Coordinators" to provide aggregation of customers' schedules to the ISA and the respective Control Area Operators simultaneously until the implementation of a regional ISO, at which time the schedules will be submitted to the ISO. The primary duties of Scheduling Coordinators are to:
1. Forecast their customers' load requirements
  2. Submit balanced schedules (i.e., schedules for which total generation is equal to total load of the Scheduling Coordinator's customers plus appropriate transmission losses) and NERC/WSCC tags
  3. Arrange for the acquisition of the necessary transmission and ancillary services
  4. Respond to contingencies and curtailments as directed by the Control Area Operators, ISA or ISO

**5. Actively participate in the schedule checkout process and the settlement processes of the Control Area Operators, ISA or ISO.**

- H. The Commission may support the development of a regional spot market to ensure economic and operational efficiency for all customers.**
- I. The Commission shall determine which generation units are must-run units for distribution reliability and mitigation of market power, and will regulate the price of power from these units. The terms of the must-run contracts will be finalized prior to the divestiture of the must-run units.**

**R14-2-1611. In-State Reciprocity.**

- A. The service territories of Arizona electric utilities which are not Affected Utilities shall not be open to competition under the provisions of this Article, nor shall Arizona electric utilities which are not Affected Utilities be able to compete for sales in the service territories of the Affected Utilities.**
- B. An Arizona electric utility, subject to the jurisdiction of the Commission, which is not an Affected Utility may voluntarily participate under the provisions of this Article if it makes its service territory available for competing sellers, if it agrees to all of the requirements of this Article, and if it obtains an appropriate Certificate of Convenience and Necessity.**
- C. An Arizona electric utility, not subject to the jurisdiction of the Commission, may submit a statement to the Commission that it voluntarily opens its service territory for competing sellers in a manner similar to the provisions of this Article. Such statement shall be accompanied by the electric utility's nondiscriminatory Standard Offer Tariff, electric supply tariffs, Unbundled Services rates, Stranded Cost charges, System Benefits charges, Distribution Services charges and any other applicable tariffs and policies for services the electric utility offers, for which these rules otherwise require compliance by Affected Utilities or Electric Service Providers. Such filings shall serve as authorization for such electric utility to utilize the Commission's Rules of Practice and Procedure and other applicable rules concerning any complaint that an Affected Utility or Electric Service Provider is violating any provision of this Article or is otherwise discriminating against the filing electric utility or failing to provide just and reasonable rates in tariffs filed under this Article.**
- D. If an electric utility is an Arizona political subdivision or municipal corporation, then the existing service territory of such electric utility shall be deemed open to competition if the political subdivision or municipality has entered into an intergovernmental agreement with the Commission that establishes nondiscriminatory terms and conditions for Distribution Services and other Unbundled Services, provides a procedure for complaints arising therefrom, and provides for reciprocity with Affected Utilities. The Commission shall conduct a hearing to consider any such intergovernmental agreement.**

**R14-2-1612. Rates.**

- A. Market determined rates for competitively provided services as defined in R14-2-1605 shall be deemed to be just and reasonable.**

- B. Each Electric Service Provider selling services under this Article shall have on file with the Commission tariffs describing such services and maximum rates for those services, but the services may not be provided until the Commission has approved the tariffs.
- C. Prior to the date indicated in R14-2-1604 ~~(D)~~, **(E)** competitively negotiated contracts governed by this Article customized to individual customers which comply with approved tariffs do not require further Commission approval. However, all such contracts whose term is 1 year or more and for service of 1 MW or more must be filed with the Director of the Utilities Division as soon as practicable. If a contract does not comply with the provisions of this Article it shall not become effective without a Commission order.
- J. Contracts entered into on or after the date indicated in R14-2-1604 ~~(D)~~ **(E)** which comply with approved tariffs need not be filed with the Director of the Utilities Division. If a contract does not comply with the provisions of this Article it shall not become effective without a Commission order.
- K. An Electric Service Provider holding a Certificate pursuant to this Article may price its competitive services, as defined in R14-2-1605, at or below the maximum rates specified in its filed tariff, provided that the price is not less than the marginal cost of providing the service.
- L. Requests for changes in maximum rates or changes in terms and conditions of previously approved tariffs may be filed. Such changes become effective only upon Commission approval.

**R14-2-1613. Service Quality, Consumer Protection, Safety, and Billing Requirements.**

- A. Except as indicated elsewhere in this Article, R14-2-201 through R14-2-212, inclusive are adopted in this Article by reference. However, where the term "utility" is used in R14-2-201 through R14-2-212, the term "utility" shall pertain to Electric Service Providers providing the services described in each paragraph of R14-2-201 through R14-2-212. ~~R14-2-212 (G)(2) shall pertain only to Affected Utilities. R14-2-212 (G)(4) shall apply only to Affected Utilities. R14-2-212 (H) shall pertain only to Electric Service Providers who provide distribution service~~ **Utility Distribution Companies.**
- B. The following shall not apply to this Article:
  1. R14-2-202 in its entirety,
  2. R14-2-212 (F)(1),
  3. R14-2-213.
- C. No consumer shall be deemed to have changed ~~suppliers~~ **providers** of any service authorized in this Article (including changes from supply by the Affected Utility to another ~~supplier~~ **provider** without written authorization by the consumer for service from the new ~~supplier~~ **provider**.) If a consumer is switched **(or slammed)** to a different ("new") ~~supplier~~ **provider** without such valid written authorization, the new ~~supplier~~ **provider** shall cause service by the previous ~~supplier~~ **provider** to be resumed and the new ~~supplier-provider~~ shall bear all costs associated with switching the consumer back to the previous ~~supplier~~ **provider**. **A written authorization that**

is obtained by deceit or deceptive practices shall not be deemed a valid written authorization. Providers shall submit quarterly reports to the Commission itemizing the direct complaints filed by customers who have had their electric service providers changed without their authorization. Violations of the Commission's rules concerning slamming may result in fines and penalties, including but not limited to suspension or revocation of the provider's certificate.

- D. Each Electric Service Provider providing service governed by this Article shall be responsible for meeting applicable reliability standards and shall work cooperatively with other companies with whom it has interconnections, directly or indirectly, to ensure safe, reliable electric service. **Providers are required to make reasonable efforts to notify customers of scheduled outages, and provide notification to the Commission for interruptions affecting a large portion of their system.**
- E. Each Electric Service Provider shall provide at least 30 days notice to all of its affected consumers if it is no longer obtaining generation, transmission, distribution, or ancillary services necessitating that the consumer obtain service from another supplier of generation, transmission, distribution, or ancillary services.
- F. All Electric Service Providers rendering service under this Article shall submit accident reports as required in R14-2-101.
- G. An Electric Service Provider providing firm electric service governed by this Article shall make reasonable efforts to reestablish service within the shortest possible time when service interruptions occur and shall work cooperatively with other companies to ensure timely restoration of service where facilities are not under the control of the Electric Service Provider.
- H. Each Electric Service Provider shall ensure that bills rendered on its behalf include ~~the~~**its address and toll free telephone numbers for billing, service, and safety inquiries. The bill must a include the address and toll free telephone numbers for the Phoenix and Tucson Consumer Service Sections of the Arizona Corporation Commission Utilities Division.**~~and the telephone number of the Consumer Services Section of the Arizona Corporation Commission Utilities Division.~~ Each Electric Service Provider shall ensure that billing and collection services rendered on its behalf comply with R14-2-1613 (A) and ~~R14-2-1613(B).~~
- I. Additional Provisions for Metering and Meter Reading Services
  - 1. An Electric Service Provider who provides metering or meter reading services pertaining to a particular consumer shall provide access to meter readings to other Electric Service Providers serving that same consumer.
  - 2. A consumer or an Electric Service Provider relying on metering information provided by another Electric Service Provider may request a meter test according to the tariff on file and approved by the Commission. However, if the meter is found to be in error by more than 3%, no meter testing fee will be charged.

3. Protocols for metering shall be developed subsequent to the workshops described in R14-2-1606(I).
4. Each competitive customer shall be assigned a Universal Node Identifier for each service delivery point by the Affected Utility whose distribution system serves the customer.
5. All competitive metered and billing data shall be translated into a consistent, statewide Electronic Data Interchange (EDI) format based on standards approved by the Utility Industry Group (UIG) that can be used by the Affected Utility and the Electric Service Provider.
6. Electronic Data Interchange (EDI) shall be used for all data exchange transactions from the meter to the billing company. This data will be transferred via the Internet using a secure sockets layer.
7. Minimum metering requirements for competitive customers over 20 kW, or 100,000 kWh annually, should consist of hourly consumption measurement meters or meter systems.
8. Competitive customers with hourly loads ~~at least~~ of 20kW (or 100,000 kWh annually) or less, will be permitted to use load profiling to satisfy the requirements for hourly consumption data.
9. Meter ownership will be limited to the Affected Utility, the Electric Service Provider or their representative, or the customer, who will obtain the meter from the Affected Utility or the Electric Service Provider.
10. Control of the metering equipment will be limited to the Affected Utility and the Electric Service Provider or their representative.
11. Distribution primary voltage CT's and PT's may be owned by the Affected Utility and the Electric Service Provider or their representative.
12. Transmission primary voltage CT's and PT's may be owned by the Affected Utility only.
13. North American Electric Reliability Council recognized holidays will be used for metering purposes.
14. The operating procedures approved by the Metering Committee will be used by the UDCs and the MSPs for performing work on primary metered customers.
15. The rules approved by the Metering Committee will be used by the MRSP for validating, editing, and estimating metering data.

**16. The performance metering specifications and standards approved by the Metering Committee will be used by all entities performing metering.**

**J. Working Group on System Reliability and Safety**

1. ~~If it has not already done so,~~ The Commission shall establish, by separate order, a working group to monitor and review system reliability and safety.
  - a. The working group may establish technical advisory panels to assist it.
  - ~~e. The working group shall commence activities within 15 days of the date of adoption of this Article.~~
  - e.b. Members of the working group shall include representatives of Staff, consumers, the Residential Utility Consumer Office, utilities, other Electric Service Providers and organizations promoting energy efficiency. In addition, the Executive and Legislative Branches shall be invited to send representatives to be members of the working group.
  - ~~d.c.~~ The working group shall be coordinated by the Director of the Utilities Division of the Commission or by his or her designee.
2. All Electric Service Providers governed by this Article shall cooperate and participate in any investigation conducted by the working group, including provision of data reasonably related to system reliability or safety.
3. The working group shall report to the Commission on system reliability and safety regularly, and shall make recommendations to the Commission regarding improvements to reliability or safety.

**K. Electric Service Providers shall comply with applicable reliability standards and practices established by the Western Systems Coordinating Council and the North American Electric Reliability Council or successor organizations.**

**L. Electric Service Providers shall provide notification and informational materials to consumers about competition and consumer choices, such as a standardized description of services, as ordered by the Commission.**

**M. Unbundled Billing Elements.**

**All customer bills for competitive electric services and Standard Offer services after January 1, 1999 will list, at a minimum, the following billing cost elements:**

**1. Electricity Costs**

- a. generation
- b. CTC
- c. fuel or purchased power adjustor, if applicable

**2. Delivery costs**

- a. distribution services



**b. transmission services**

**3. Other Costs**

- a. metering service**
- b. meter reading service**
- c. billing and collection**
- d. System Benefits charge**

**R14-2-1614. Reporting Requirements.**

A. Reports covering the following items shall be submitted to the Director of the Utilities Division by Affected Utilities and all Electric Service Providers granted a Certificate of Convenience and Necessity pursuant to this Article. These reports shall include the following information pertaining to competitive service offerings, Unbundled Services, and Standard Offer services in Arizona:

1. Type of services offered;
2. kW and kWh sales to consumers, disaggregated by customer class (for example residential, commercial, industrial);
3. Solar energy sales (kWh) and sources for grid connected solar resources; kW capacity for off-grid solar resources;
4. Revenues from sales by customer class (for example residential, commercial, industrial);
5. Number of retail customers disaggregated as follows: aggregators, residential, commercial under 100 kW, commercial 100 kW to 2999 kW, commercial 3000 kW or more, industrial less than 3000 kW, industrial 3000 kW or more, agricultural (if not included in commercial), and other;
6. Retail kWh sales and revenues disaggregated by term of the contract (less than 1 year, 1 to 4 years, longer than 4 years), and by type of service (for example, firm, interruptible, other);
7. Amount of and revenues from each service provided under R14-2-1605, and, if applicable, R14-2-1606;
8. Value of all Arizona specific assets and accumulated depreciation;
9. Tabulation of Arizona electric generation plants owned by the Electric Service Provider broken down by generation technology, fuel type, and generation capacity;
10. **Calculate the fuel mix percentages and emissions for the resources used to meet that portion of the load-serving entity's electrical load associated with the kilowatt hours delivered to retail customers derived from the following fuel sources characteristics**

i.e., biomass, coal, hydro, municipal solid waste, natural gas, nuclear, oil, solar, wind, and other renewable resources; and separate emissions characteristics i.e., carbon dioxide, nitrogen oxides, and sulfur dioxide. This information is to be disclosed to customers as required by the Commission and upon public and customer request.

~~10-11.~~ Other data requested by staff or the Commission;

~~11-12.~~ In addition, prior to the date indicated in R14-2-1604 ~~(D)~~, (E) Affected Utilities shall provide data demonstrating compliance with the requirements of R14-2-1604.

B. Reporting Schedule

1. For the period through December 31, 2003, semi-annual reports shall be due on April 15 (covering the previous period of July through December) and October 15 (covering the previous period of January through June). The first such report shall cover the period January 1 through June 30, 1999.
2. For the period after December 31, 2003, annual reports shall be due on April 15 31 (covering the previous period of January through December). The first such report shall cover the period January 1 through December 31, 2004.

- C. The information listed above may be provided on a confidential basis. However, Staff or the Commission may issue reports with aggregate statistics based on confidential information that do not disclose data pertaining to a particular seller or purchases by a particular buyer.
- D. Any Electric Service Provider governed by this Article which fails to file the above data in a timely manner may be subject to a penalty imposed by the Commission or may have its Certificate rescinded by the Commission.
- E. Any Electric Service Provider holding a Certificate pursuant to this Article shall report to the Director of the Utilities Division the discontinuation of any competitive tariff as soon as practicable after the decision to discontinue offering service is made.
- F. In addition to the above reporting requirements, Electric Service Providers governed by this Article shall participate in Commission workshops or other forums whose purpose is to evaluate competition or assess market issues.
- G. Reports filed under the provisions of this section shall be submitted in written format and in electronic format. Electric Service Providers shall coordinate with the Commission Staff on formats.

**R14-2-1615. Administrative Requirements.**

- A. Any Electric Service Provider certificated under this Article may ~~propose~~ **file proposed** additional **tariffs for electric** services at any time ~~by filing a proposed tariff with the~~

~~Commission describing which include a description of the service, maximum rates, terms and conditions. The proposed new electrical service may not be provided until the Commission has approved the tariff.~~

- B. Contracts filed pursuant to this Article shall not be open to public inspection or made public except on order of the Commission, or by the Commission or a Commissioner in the course of a hearing or proceeding.
- C. The Commission may consider variations or exemptions from the terms or requirements of any of the rules in this Article upon the application of an affected party. The application must set forth the reasons why the public interest will be served by the variation or exemption from the Commission rules and regulations. Any variation or exemption granted shall require an order of the Commission. Where a conflict exists between these rules and an approved tariff or order of the Commission, the provisions of the approved tariff or order of the Commission shall apply.
- D. The Commission may develop procedures for resolving disputes regarding implementation of retail electric competition.

**~~R14-2-1616. Legal Issues.~~**

- ~~A. A working group to identify, analyze and provide recommendations to the Commission on legal issues relevant to this Article shall be established.
  - 1. The working group shall commence activities within 15 days of the date of adoption of this Article.
  - 2. Members of the working group shall include representatives of Staff, the Residential Utility Consumer Office, consumers, utilities, and other Electric Service Providers. In addition, the Executive and Legislative Branches and the Attorney General shall be invited to send representatives to be members of the working group.
  - 3. The working group shall be coordinated by the Director of the Legal Division of the Commission or by his or her designee.~~
- ~~B. The working group shall submit to the Commission a report on the activities and recommendations of the working group no later than 90 days prior to the date indicated in R14-2-1602.~~
- ~~C. The Commission shall consider the recommendations and decide what actions, if any, to take based on the recommendations.~~

**R14-2-1616. Separation of Monopoly and Competitive Generation Assets**

- A. An Affected Utility shall either divest itself of all generation assets and services prior to January 1, 2001, or transfer competitive assets to a separate corporate affiliate or affiliates, at a value determined by the Commission to be fair and reasonable, subject to hearing, by January 1, 2001.

- B. An Affected Utility shall not provide competitive services. However, this rule does not preclude an Affected Utility's affiliate from providing competitive services.**

**R14-2-1617 Electric Affiliate Transaction Rules.**

- A. Separation: An Affected Utility and its affiliates shall operate as separate corporate entities. Books and records shall be kept separate, in accordance with applicable Uniform System of Accounts (USOA) and Generally Accepted Accounting Procedures (GAAP). The books and records of any utility affiliate shall be open for examination by the Commission and its staff consistent with the provisions set forth in A.A.C. R14-2-1614.**

- 1. An Affected Utility shall not share office space, equipment, services, and systems with its affiliates, nor shall an Affected Utility and its affiliates access any computer or information systems of one another, unless expressly provided for in these rules.**
- 2. An Affected utility, its parent holding company, or a separate affiliate created solely for the purpose of corporate support functions, may share with its affiliates joint corporate oversight, governance, support systems and personnel. Any shared support shall be priced, reported and conducted in accordance with all applicable Commission pricing and reporting requirements. An Affected Utility shall not use shared corporate support functions as a means to transfer confidential information, allow preferential treatment, or create significant opportunities for cross-subsidization of its affiliates.**
- 3. An Affected Utility shall not trade, promote, or advertise its affiliate's affiliation with the utility, nor allow its name or logo to be used by the affiliate in any material circulated by the affiliate, unless it discloses in plain legible or audible language, on the first page or at the first instance the Affected Utility name or logo appears, that:**
  - a. The affiliate is not the same company as the Affected Utility; and**
  - b. Customers do not have to buy the affiliate product in order to continue to receive quality regulated services from the**
- 4. An Affected Utility shall not offer or provide to its affiliates advertising space in any customer written communication unless it provides access to all other unaffiliated service providers on the same terms and conditions.**
- 5. An Affected Utility shall not participate in joint advertising, marketing or sales with its affiliates, or cause any joint communication and correspondence with any existing or potential customer.**
- 6. Except as provided in Section A.2, an Affected Utility and its affiliate shall not jointly employ the same employees. This rule applies to Board of Directors and corporate officers. However, any board member or corporate officer of a holding company may also serve in the same capacity with the Affected Utility or its**

affiliate, but not both. Where the Affected Utility is a multi-state utility, is not a member of a holding company structure, and assumes the corporate governance functions for its affiliates, the prohibition outlined in this section shall only apply to affiliates that operate within Arizona.

**7. Transfer of Goods and Services:** to the extent that these rules do not prohibit transfer of goods and services between an Affected Utility and its affiliates, all such transfers shall be subject to the following price provisions:

- a. Transfers from an Affected Utility to an affiliate of goods or services for sale on the open market shall be priced at the lower of cost or fair market value. Transfers from an affiliate to its affiliated utility shall be priced at the higher of cost or fair market value.
- b. Goods and services produced, purchased or developed for sale on the open market by the Affected Utility will be provided to its affiliates and unaffiliated companies on a nondiscriminatory basis, except as otherwise permitted by these rules or applicable law.
- c. Goods and services not produced, purchased or developed for sale by an Affected Utility to its affiliates shall be priced at fully loaded cost, plus 5% of direct labor costs. Transfers from an affiliate to an Affected Utility for such goods and services shall be priced at the lower of fully loaded cost or fair market value.

**C. Compliance Plans:** No later than December 31, 1998, each Affected Utility shall file a compliance plan with the Commission demonstrating the procedures and mechanisms implemented to ensure that activity prohibited by these rules will not take place. The compliance plan shall be submitted to the Utility Division and shall be in effect until a determination is made regarding its adequacy under these rules. The compliance plan shall thereafter be submitted annually to reflect any material changes.

1. **New Affiliate Compliance Plan:** For each newly created affiliate subject to these rules, an Affected Utility shall file a compliance plan to be submitted to the Utility Division for review. The compliance plan shall demonstrate how the utility will implement these rules with respect to the new affiliate.
2. No later than December 31, 1999, and every year thereafter, an Affected Utility shall have audits prepared by independent auditors which verify that the utility is in compliance with the rules set forth herein. Audits shall be prepared at shareholder expense.

**D. Disclosure:** An Affected Utility shall provide customer information to its affiliates and non-affiliates on a non-discriminatory basis, provided prior affirmative customer written consent is obtained. Any non-customer specific non-public information shall be made

contemporaneously available by an Affected Utility to its affiliates and all other service providers on the same terms and conditions.

1. Any list provided by an Affected Utility to its customers which includes or identifies the utility's affiliates must include or identify non-affiliated entities as well. If a customer request is made, the Affected Utility shall provide the customer with a list of all providers of electricity or utility related goods and services operating in its service territory, including its affiliates.
2. An Affected Utility may provide non-public supplier information and data which it has received from unaffiliated suppliers to its affiliates or nonaffiliated entities only if the utility receives prior authorization from the supplier.
3. Except as otherwise provided in these rules, an Affected Utility shall not offer or provide customers advice or assistance with regard to its affiliates or other service providers.
4. An Affected Utility shall maintain contemporaneous records documenting all tariffed and non-tariffed transactions with its affiliates, including but not limited to, all waivers of tariff or contract provisions and all discounts. These records shall be maintained for a period of three years, or longer if required by this Commission or another governmental agency.
5. An Affected Utility shall maintain a record of all contracts and related bids for the provision of work, product or services to and from a utility to its affiliates for a period of three years, or longer if required by this Commission or another governmental agency.
6. To the extent that reporting rules imposed by FERC require more detailed information or more expeditious reporting, nothing in these rules shall be construed to modify such FERC requirements.

**E. Nondiscrimination:** an Affected Utility shall not represent that, as a result of the affiliation with the utility, its affiliates or customers of affiliates will receive any treatment different from that provided to other, non-affiliated entities or their customers. An Affected Utility shall not provide its affiliates, or customers of its affiliates, any preference over non-affiliated suppliers or their customers in the provision of services provided by the utility.

1. **Discounts:** Except when made generally available by an Affected Utility through an open, competitive bidding process, if the Affected Utility offers a discount or waives all or any part of any charge or fee to its affiliates, or offers a discount or waiver for a transaction in which its affiliates are involved, the utility shall contemporaneously make such discount or waiver available to all similarly situated market participants. All competitors serving the same market as the Affected Utility's affiliates shall be offered the same discount as the discount received by the affiliate.

2. **If a tariff provision allows for discretion in its application, an Affected Utility shall apply that provision equally among its affiliates and all other market participants and their respective customers. If there is no discretion in the tariff provision, the Affected Utility shall strictly enforce that tariff provision.**
3. **Requests from affiliates and non-affiliated entities and their customers for similar services provided by the Affected Utility shall be processed equally and within the same time.**
4. **An Affected Utility shall not condition or otherwise tie the provision of any service provided, nor the availability of discounts of rates or other charges or fees, rebates or waivers of terms and conditions of any services, to the taking of any goods or services from its affiliates.**
5. **An Affected Utility shall not assign customers to which it currently provides services to any affiliate by any means, unless that means is equally available to all competitors.**
6. **In the course of business development and customer relations, except as otherwise provided for in these rules, an Affected Utility shall refrain from:**
  - a. **providing leads to its affiliates;**
  - b. **soliciting business on behalf of affiliates;**
  - c. **acquiring information on behalf of, or provide to, its affiliates; and**
  - d. **sharing market analysis reports or any non-publicly available reports, including but not limited to market, forecast, planning or strategic reports, with its affiliates.**
7. **Any discounted rate, rebate, or other waiver of a charge or fee associated with services provided by an Affected Utility shall be recorded and maintained, for each billing period, with the following information:**
  - a. **name of the entity being provided services;**
  - b. **the affiliate's role in the transaction;**
  - c. **the duration of the discount or waiver;**
  - d. **the maximum rate;**
  - e. **the rate or fee actually charged during the billing period; and**
  - f. **the quantity of products or services scheduled at the discounted rate during the billing period for each delivery point.**

**R14-2-1618 Information Disclosure Label**

- A. Each Load-serving Entity shall prepare information on a label for each price offering in a form that is consistent for all Load-serving Entities, with this rule. Such label shall be a condition of certification for ESPs.**
- B. Price to be charged and price variability. The label shall present the price of generation service as an average unit price in cents per kilowatt-hour as measured at the customer meter over the course of an annualized period, regardless of actual price structure. This unit price shall be the price for generation services only, and shall not include charges associated with delivery, other Commission regulated services, or other non-generation products or services except as provided below. The label shall contain the following information on average price and price variability.**
- 1. Average price information on the label. Average prices shall be shown for four levels of use. The average price for each usage level shall be the total charge for generation service for the specified usage level, divided by the kilowatt-hours for the particular usage level. Average prices shall be rounded to the nearest one tenth of a cent per kilowatt-hour.**
    - a. Residential. Average prices for residential consumers shall be shown for usage levels of 250, 500, 1000 and 2000 kilowatt-hours per month.**
    - b. Commercial. Average prices for commercial consumers shall be shown for 1,000, 10,000, 20,000 and 40,000 kilowatt-hours per month.**
    - c. Average prices for service based on spot or other variable prices shall be shown based on the average prices that would have been charged in the last month of the prior quarter.**
  - 2. Bundled Generation Service. Load-serving Entities that offer Generation Service in which electricity is bundled with any other product or service may display the charge for Generation Service either as:**
    - a. The average price for which the Customer can purchase unbundled Generation Service from the Load-serving Entity, or**
    - b. The average generation price, assuming the entire price of the bundled service is attributable to electricity. If this option is selected the label may include a statement in the same font as subheadings that identifies what is included in the average price, or**
    - c. The average price of the electricity separated from the other bundled services.**
  - 3. Inducements. Average prices shall not reflect any adjustment for cash or non-cash sales inducements.**



4. **Price variability information.** If prices vary by time of use or by volume, a subheading shall be printed below the average prices stating one or both of the following:
  - a. If prices vary by time of use, including seasonal prices, the statement shall read "Your average electricity price will vary according to when you use electricity. See your Terms of Service for actual prices."
  - b. If prices vary by volume of sales, including prices that have a fixed charge and a flat energy charge, the statement shall read "Your average generation price will vary according to how much electricity you use. See your Terms of Service for actual prices."

**C. Customer service information.** The label shall contain a toll-free number for customer service and complaints.

1. **Fuel and Emissions Characteristics.** The label shall contain information on the fuel mix and emissions characteristics associated with the Load-serving Entity's resource portfolio.
2. **Determining the Resource Portfolio.** The resource portfolio of a Load-serving Entity shall consist of the portfolio of generating resources used to meet that portion of the Load-serving Entity's Electrical Load associated with the kilowatt-hours delivered to retail customers, kilowatt hours of associated electrical losses, and kilowatt-hours of use by the Load-serving Entity on its own system.
3. **Label reporting period.** The label reporting period shall be stated on the label. The label reporting period shall be the most recent one-year period prior to the reporting month for which resource portfolio information has been updated with the following exceptions:
  - a. If a Load-serving Entity has operated in the state for less than twelve months, but more than three months, the Load-serving Entity shall report the information that is available for the portion of the year the Load-serving Entity has operated.
  - b. If a Load-serving Entity has operated in the state for less than three months, the Load-serving Entity shall report a reasonable estimate of its resource portfolio based on the Load-serving Entity's known generating unit ownership and contracts, and the average regional system mix.
4. **Fuel Source Characteristics** Each Load-serving Entity shall report on the label the fuel mix of its resource portfolio.
5. **At least the following fuel sources shall be separately identified on the label and listed in alphabetical order:** biomass; coal; hydro; municipal solid waste; natural gas; nuclear; oil; solar; wind; and other Renewable Resources (including fuel cells)

utilizing renewable fuel sources, landfill gas, and ocean thermal). Fuel mix percentages shall be rounded to the nearest full percentage point.

6. **Energy Storage Facilities.** The fuel mix associated with an energy storage facility shall be the fuel mix of the energy used as input to the storage device. The characteristics disclosed shall include any losses as a result of storage.
7. **Emissions Characteristics.** Each Load-serving Entity shall identify its resource portfolio and shall report on the label the emission characteristics of said resource portfolio.
  - a. For the purpose of emission characteristics disclosure, at least the following pollutants shall be separately identified on the label: carbon dioxide (CO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and sulfur dioxide (SO<sub>2</sub>).
  - b. Emissions for each emission category shall be computed as an annual emission rate in pounds per kilowatt-hour.
  - c. Emission characteristics of the resource portfolio shall be calculated using annual emission rates for each generating facility as identified by the Commission in consultation with the ADEQ and the United States Environmental Protection Agency.
  - d. Until such annual emission rates are identified by the Commission, the annual emissions rates for a generating unit shall be calculated based on one of the following:
    1. Continuous Emissions Monitoring data for the most recent reporting year divided by net electric generation for the same period;
    2. Emission factors currently approved or provided by state environmental protection agencies, the United States Environmental Protection Agency, or other appropriate government environmental agency, if Continuous Emissions Monitoring data are not available; or
    3. If the generating unit has been in operation less than twelve (12) months: (a) for (NO<sub>x</sub>) and (SO<sub>2</sub>), permitted emissions levels; and (b) for (CO<sub>2</sub>), the carbon content of the fuel.
  - e. The following types of generating units shall be assigned emissions characteristics as provided in this section:
    1. Energy storage facilities. The emissions associated with an energy storage facility shall be the emissions of the energy used as input to the storage device. The characteristics disclosed shall include any losses as a result of storage.
    2. Cogeneration facilities may make a reasonable allocation of emissions between electricity production and other useful output based on

measured heat balances. The Load-serving Entity may use offsets associated with facilities that emit CO2 if preapproved by Staff.

**D. Format of Information Disclosure Label.** The label shall be presented in a format pre-approved by Staff.

**E. Company Disclosure.** Each Load-serving Entity shall prepare an annual Company Disclosure report that aggregates the Resource Portfolios of all affiliated Load-serving Entities. The Company Disclosure report shall be provided to each customer of a Load-serving Entity prior to the initiation of service and on an annual basis thereafter.

**F. Terms of Service Requirement.** Each Load-serving Entity shall prepare a statement entitled "Terms of Service" as described in this rule. The Terms of Service shall be distributed in accordance with the rule and shall conform to all applicable consumer protection statutes, rules and regulations.

1. The Terms of Service shall present the following information:

a. Actual pricing structure or rate design according to which the Customer will be billed, including an explanation of price variability and price level adjustments that can cause the price to vary;

b. Length and kind of contract;

c. Due date of bills and consequences of late payment;

d. Conditions under which a credit agency is contacted;

e. Deposit requirements and interest on deposits;

f. Limits on warranty and damages;

g. Any and all charges, fees, and penalties;

h. Information on consumer rights pertaining to:

i. estimated bills;

ii. third-party billing;

iii. deferred payments

iv. rescission of supplier switch within three days of receipt of confirmation;

v. a toll-free number for service complaints;

vi. low-income rate eligibility;

vii. provisions for default service;

viii. applicable provisions of state utility laws;

ix. method whereby customer will be notified of changes to items in the terms of service.

- G. Distribution of disclosure label and terms of service.** The label and the Terms of Service shall be distributed in accordance with this section as follows:
- 1. Prior to initiation of service.** Following a Customer's initial choice of an ESP or Standard Offer, the Load-serving Entity shall provide the Customer with the disclosure label prepared pursuant to this rule and with the statements of the Terms of Service prepared pursuant to this rule.
  - 2. Notice.** Load-serving Entities shall provide the label to retail Customers on a semi-annual basis, at a minimum.
  - 3. Upon request.** The label and the Terms of Service shall be available to any person upon request.
- H. Information disclosure in advertising.** ESPs and UDCs providing Standard Offer services shall provide the disclosure label prepared pursuant to this rule in a prominent position in all written marketing materials describing generation service, including newspaper, magazine, and other written advertisements, and in all electronically-published advertising including Internet materials. For direct mail materials and similar marketing materials, the label shall be provided with the materials. Where Electricity Service is marketed in non-print media, the marketing materials shall indicate that the Customer may obtain the disclosure label upon request. Prior to the initiation of service, a Customer must have received the disclosure label.
- I. Enforcement.** Dissemination of inaccurate information, or failure to comply with the Commission's regulations on information disclosure, may result in certification suspension, revocation, or penalties.

#### **R14-2-210. BILLING AND COLLECTION**

**A. Frequency and estimated bills**

- ~~1. Each utility shall bill monthly for services rendered. Meter readings shall be scheduled for periods of not less than 25 days or more than 35 days. The utility shall render a bill for each billing period to every customer in accordance with its applicable rate schedule and offer billing options for the services rendered. Meter readings shall be scheduled for periods of not less than 25 days or more than 35 days. If the utility changes a meter reading route or schedule resulting in a significant alteration of billing cycles, notice shall be given to the affected customers.~~
- ~~2. If the utility is unable to read the meter on the scheduled meter read date, the utility will estimate the consumption for the billing period giving consideration to the following factors where applicable:~~
  - ~~a. The customer's usage during the same month of the previous year.~~
  - ~~b. The amount of usage during the preceding month.~~

2. Each billing statement rendered by the utility shall be computed on the actual usage during the billing period. If the utility is unable to obtain an actual reading, the utility may estimate the consumption for the billing period giving consideration the following factors where applicable:
  - a. The customer's usage during the same month of the previous year.
  - b. The amount of usage during the preceding month.
- ~~3. After the second consecutive month of estimating the customer's bill for reasons Other than severe weather, the utility will attempt to secure an accurate reading of the meter.~~
3. Each billing statement rendered by the utility shall be computed on the actual usage during the billing period. Estimated bills will be issued only under the following conditions unless otherwise approved by the Commission:
  - a. When extreme weather conditions, emergencies, labor agreements or work stoppages prevent actual meter readings.
  - b. Failure of a customer who reads his own meter to deliver his meter reading to the utility in accordance with the requirements of the utility billing cycle.
  - c. When the utility is unable to obtain access to the customer's premises for the purpose of reading the meter, or in situations where the customer makes it unnecessarily difficult to gain access to the meter, i.e., locked gates blocked meters, vicious or dangerous animals, etc. If the utility is unable to obtain an actual reading for these reasons, it shall undertake reasonable alternatives to obtain a customer reading of the meter.
  - d. When the MRSP is able to determine a customer-equipment failure.
- ~~4. Failure on the part of the customer to comply with a reasonable request by the utility for access to its meter may lead to the discontinuance of service. Estimated bills will be issued only under the following conditions:
  - a. Failure of a customer who read his own meter to deliver his meter reading card to the utility in accordance with the requirements of the utility billing cycle.
  - b. Severe weather conditions which prevent the utility from reading the meter.
  - c. Circumstances that make it dangerous or impossible to read the meter, i.e., locked gates, blocked meters, vicious or dangerous animals, etc.~~
4. After the third consecutive month of estimating the customer's bill, due to meter access, the MRSP will attempt to secure an accurate reading of the meter. Failure on the part of the customer to comply with a reasonable request for meter access may lead to discontinuance of service.
5. A utility may not render a bill based on estimated usage if:

a. The estimating procedures employed by the utility have not been approved by the Commission.

b. The billing would be the customer's final bill for service.

~~6. Each bill based on estimated usage will indicate that it is an estimated bill.~~

6. When a utility renders an estimated bill in accordance with these rules, it shall:

a. Maintain accurate records of the reasons therefore and efforts made to secure an actual reading.

b. Clearly and conspicuously indicate that it is an estimated bill and note the reason for its estimation.

c. Use customer supplied meter readings, whenever possible, to determine usage.

B. Combining meters minimum bill information.

1. Each meter at a customer's premise will be considered separately for billing purposes, and the readings of two or more meters will not be combined unless otherwise provided for in the readings of two or more meters will not be combined unless otherwise provided for the utility's tariffs.

2. Each bill for service will contain the following minimum information:

~~a. Date and meter reading at the start of billing period or number of days in the billing period~~

~~b. Date and meter reading at the end of the billing period.~~

~~c. Billed usage and demand~~

~~d. Rate schedule number~~

~~e. Utility telephone number~~

~~f. Customer's name~~

~~g. Service account number~~

~~h. Amount due and due date~~

~~i. Past due amount~~

~~j. Adjustment factor, where applicable~~

~~k. Taxes~~

~~l. The Arizona Corporation Commission and address, thereof~~

a. The beginning and ending meter readings of the billing period, the dates thereof, and the number of days in the billing period.

b. The date when the bill will be considered due and the date when it will be delinquent, if not the same

- c. **Billing usage, demand, basic monthly service charge and total amount due**
- d. **Rate schedule number.**
- e. **Customer's name and service account number**
- f. **Any previous balance**
- g. **Fuel adjustment cost, where applicable**
- h. **License, occupation, gross receipts, franchise and sales taxes.**
- i. **The address and telephone numbers of the Electric Service Provider, and/or the LDC designating where the customer may initiate an inquiry or complaint concerning the bill or services rendered.**
- j. **The Arizona Corporation Commission address and toll free telephone numbers.**

C. **Billing terms.**

- ~~1. All bills for utility services are due and payable no later than ten days from the date the bill is rendered. Any payment not received within this time frame shall be considered past due.~~
- 1. **All bills for utility services are due and payable no later than fifteen days from the date of the bill. Any payment not received within this time frame shall be considered delinquent and could incur a late payment charge.**
- 2. **For purposes of this rule, the date a bill is rendered may be evidenced by:**
  - a. **The postmark date**
  - b. **The mailing date**
  - c. **The billing date shown on the bill (however, the billing date shall not differ from the postmark or mailing date by more than 2 days).**
- ~~3. All past due bills for utility services are due and payable within 15 days. Any payment no received within this time frame shall be considered delinquent.~~
- 3. **All delinquent bills shall be subject to the provisions of the utility's termination procedures.**
- ~~4. All delinquent bills for which payment has not been received within five days shall be subject to the provisions of the utility's termination procedures.~~

4. All payments shall be made at or mailed to the office of the utility or to the utility's authorized payment agency. The date on which the utility actually receives the customer's remittance is considered the payment date.

~~5. All payments shall be made at or mailed to the office of the utility or to the utility's duly authorized representative.~~

D. Applicable tariff, prepayment, failure to receive, commencement date, taxes

1. Each customer shall be billed under the applicable tariff indicated in the customer's application for service.

2. Each utility shall make provisions for advance payment of utility services.

3. Failure to receive bills or notices which have been properly placed in the United States mail shall not prevent such bills from becoming delinquent nor relieve the customer of his obligations therein.

~~4. Charges for utility service commence when the service is actually installed and connection made, whether used or not.~~

4. Charges for electric service commence when the service is actually installed and connection made, whether used or not. A minimum one-month billing period is established on the date the service is installed (excluding landlord/utility special agreements).

5. Charges for services disconnected after one month shall be prorated back to the customer of record.

E. Meter error corrections

~~1. If any meter after testing is found to be more than 3% in error, either fast or slow, proper correction between 3% and the amount of the error shall be made of previous readings and adjusted bills shall be rendered according to the following terms:~~

~~a. For the period of three months immediately preceding the removal of such meter from service for test or from the time the meter was in service since last tested, but not exceeding three months since the meter shall have been shown to be in error by such test.~~

~~b. From the date the error occurred, if the date of the cause can be definitely fixed.~~

1. The utility may test a meter upon customer request and each utility shall be authorized to charge the customer for such meter test according to the tariff on file approved by the Commission. However, if the meter is found to be in error by more than 3%, no meter testing fee may be charged to the customer. If the meter is found to be more than 3% in error, either fast or slow, the correction of previous bills will be made under the following terms allowing the utility to recover or refund the difference:



- a. If the date of the meter error can be definitely fixed, the utility shall adjust the customer's billings back to that date. If the customer has been underbilled, the Company will allow the customer to repay this difference over an equal length of time that the underbillings occurred. The customer may be allowed to pay the backbill without late payment penalties, unless there is evidence of meter tampering or energy diversion.
  - b. If it is determined that the customer has been overbilled and there is no evidence of meter tampering or energy diversion, the Company will make prompt refunds in the difference between the original billing and the corrected billing within the next billing cycle. The customer may be allowed to pay the backbill without late payment penalties, unless there is evidence of meter tampering or energy diversion.
2. No adjustment shall be made by the utility except to the customer last serviced by the meter which that was tested.
3. Any underbilling resulting from a stopped or slow meter, utility meter reading error, or a billing calculation shall be limited to three months for residential customers and six months to non-residential customers. No such limitation will apply to overbillings.

**F. Insufficient funds (NSF) or Returned Checks**

- ~~1. A utility shall be allowed to recover a fee, as approved by the Commission in a tariff proceeding, for each instance where a customer tenders payment for utility service with an insufficient funds check.~~
1. A utility shall be allowed to recover a fee, as approved by the Commission in a tariff proceeding, for each instance where a customer tenders payment for utility service with a check which is returned by the customer's bank.
- ~~2. When the utility is notified by the customer's bank that there are insufficient funds to cover the check tendered for utility service, the utility may require the customer to make payment in cash, by money order, certified check, or other means which guarantee the customer's payment to the utility.~~
2. When the utility is notified by the customer's bank that the check tendered for utility service will not clear, the utility may require the customer to make payment in cash, by money order, certified check, or other means to guarantee the customer's payment to the utility.
- ~~3. A customer who tenders an insufficient check shall in no way be relieved of the obligation to render payment to the utility under the original terms of the bill nor defer the utility's provision for termination of service for nonpayment of bills.~~

3. A customer who tenders such a check shall in no way be relieved of the obligation to render payment to the utility under the original terms of the bill nor defer the utility's provision of termination of service for nonpayment of bills.

G. Levelized billing plan

1. Each utility may, at its option, offer its residential customers a levelized billing plan.
2. Each utility offering a levelized billing plan shall develop upon customer request, an estimate of the customer's levelized billing for a 12-month period based upon:
  - a. Customer's actual consumption history, which may be adjusted for abnormal conditions such as weather variations.
  - b. For new customers, the utility will estimate consumption based on the customer's anticipated load requirements.
  - c. The utility's tariff schedules approved by the Commission applicable to that customer's class of service.
3. The utility shall provide the customer a concise explanation of how the levelized billing estimate was developed, the impact of levelized billing on a customer's monthly utility bill, and the utility's right to adjust the customer's billing for any variation between the utility's estimated billing and actual billing.
4. For those customers being billed under a levelized billing plan, the utility shall show, at a minimum, the following information on ~~the customer's~~ **their** monthly bill:
  - a. Actual consumption
  - b. **Dollar** amount due for actual consumption
  - c. Levelized billing amount due
  - d. Accumulated variation in actual versus levelized billing amount.
5. The utility may adjust the customer's levelized billing in the event the utility's estimate of the customer's usage and/or cost should vary significantly from the customer's actual usage and/or cost; such review to adjust the amount of the levelized billing may be initiated by the utility or upon customer request.

H. Deferred payment plan

1. Each utility may, prior to termination, offer to qualifying residential customers a deferred payment plan for the customer to retire unpaid bills for utility service.
2. ~~Each deferred payment agreement entered into by the utility and the customer due to the customer's inability to pay an outstanding bill in full shall provide that service will not be discontinued if:~~

2. **Each deferred payment agreement entered into by the utility and the customer shall provide that service will not be discontinued if:**
  - a. Customer agrees to pay a reasonable amount of the outstanding bill at the time the parties enter into the **agreement**.
  - b. Customer agreed to pay all future bills for utility service in accordance with the billing and collection tariffs of the utility.
  - c. Customer agrees to pay a reasonable portion of the remaining outstanding balance in installments over a period not to exceed six months.
3. For the purposes of determining a reasonable installment payment schedule under these rules, the utility and the customer shall give consideration to the following conditions:
  - a. Size of the delinquent account
  - b. Customer's ability to pay
  - c. Customer's payment history
  - d. Length of time that the debt has been outstanding
  - e. Circumstances which resulted in the debt being outstanding
  - f. Any other relevant factors related to the circumstances of the customer
- ~~4. Any customer who desires to enter into a deferred payment agreement shall establish such agreement prior to the utility's scheduled termination date for nonpayment of bills; customer failure to execute a deferred payment agreement prior to the scheduled termination date shall not prevent the utility from discontinuing service for non payment.~~
4. **Any customer who desires to enter into a deferred payment agreement shall establish such agreement prior to the utility's scheduled termination date for nonpayment of bills. The customer's failure to execute such an agreement prior to the termination date will not prevent the utility from disconnecting service for non-payment.**
5. Deferred payment agreements may be in writing and signed by the customer and an authorized utility representative.
6. A deferred payment agreement may include a finance charge as approved by the Commission in a tariff proceeding.
- ~~7. If a customer has not fulfilled the terms of a deferred payment agreement, the utility shall have the right to disconnect service pursuant to the utility's termination of service rules and, under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.~~

- 7. If a customer has not fulfilled the terms of a deferred payment agreement, the utility shall have the right to disconnect service pursuant to the utility's termination of service rules. Under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.**

**I. Change of occupancy**

- ~~1. Not less than three working days in advance notice must be given in person, in writing, or by telephone at the company's office to discontinue service or to change occupancy.~~
- 1. To order service discontinued or to change occupancy, the customer must give the utility at least three working days advance notice in person, in writing, or by telephone.**
- ~~2. The outgoing party shall be responsible for all utility services provided and/or consumed up to the scheduled turnoff date.~~
- 2. The outgoing customer shall be responsible for all utility services provided and/or consumed up to the scheduled turn-off date.**
- 3. The outgoing customer is responsible for providing access to the meter so that the utility may obtain a final meter reading.**